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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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AMIN & TUROCY, LLP 24TH FLOOR, NATIONAL CITY CENTER 1900 EAST NINTH STREET CLEVELAND, OH 44114			EXAMINER BOTTS, MICHAEL K	
			ART UNIT	PAPER NUMBER
			2176	

DATE MAILED: 05/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/727,694

Applicant(s)

HIRST, ROY

Examiner

Michael K. Botts

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date May 28, 2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This document is the first Office Action on the merits. This action is responsive to the following communications: The Non-Provisional Application, which was filed on December 4, 2003.
2. Claims 1-28 have been examined, with claims 1, 19, 20, 27, and 28 being the independent claims.
3. Claim 23 is objected to.
4. Claims 1-28 are rejected.

Information Disclosure Statement

5. A signed and dated copy of applicant's IDS, which was filed on May 28, 2004, is attached to this Office Action.

The Specification

6. Applicant is required to update the status (pending, allowed, etc.) of all parent priority applications in the first line of the specification. The status of all citations of U.S. filed applications in the specification should also be updated where appropriate.

Claims Objections

7. Claim 23 is objected to because of the following informalities:

As submitted, claim 23 specifies to be dependent from claim 24. Upon examination of the claims and the specification, it is the Examiner's belief that Applicant

intended claim 23 to depend from claim 20, which is consistent with the other claims surrounding claim 23 and consistent with the subject matter of the claim. Accordingly, claim 23 will be read as dependent from claim 20 for the remainder of this Office Action.

Appropriate correction is required.

Claims Rejections – 35 U.S.C. 112, Second Paragraph

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. **Dependent claim 18** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. A single claim which claims both an apparatus and the method steps of using the apparatus is indefinite under 35 U.S.C. 112, second paragraph. See, *Ex Parte Lyell*, 17 USPQ2d 1548 (Bd. Pat. App. & Inter. 1990). See also, MPEP 2173.05(p).

Claim 18 is an improper hybrid claim in that it claims a computer readable medium (apparatus), yet depends from the method of claim 1.

9. In the interest of compact prosecution, the application is further examined against the prior art, as stated below, upon the assumption that the applicants may overcome the above stated rejection under 35 U.S.C. 112, second paragraph.

Claims Rejections – 35 U.S.C. 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

10. Dependent claim 18 is rejected under 35 U.S.C. 101 because the claimed inventions are directed to non-statutory subject matter. As noted below, claim 18 is directed to neither a “process” nor a “manufacture,” but rather embrace and overlap two different statutory classes of invention set forth in 35 U.S.C. 101, which is drafted so as to set for the statutory classes of invention in the alternative only. See, *Ex Parte Lyell*, 17 USPQ2d 1548 (Bd. Pat. App. & Inter. 1990). See also, MPEP 2173.05(p).

Claim 18 is an improper hybrid claim in that it claims a computer readable medium (apparatus), yet depends from the method of claim 1.

11. In the interest of compact prosecution, the application is further examined against the prior art, as stated below, upon the assumption that the applicants may overcome the above stated rejections under 35 U.S.C. 101.

Claims Rejections – 35 U.S.C. 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

12. **Claims 1-16, 18, and 19** are rejected under 35 U.S.C. 102(b) as being anticipated by Levine, et al., "WordPerfect 6.1 for Windows for Dummies," Second Edition, IDG Books Worldwide, Inc., copyright 1994, chapter 7: "Spelling, Grammar, and the Mighty Thesaurus" [hereinafter "WordPerfect"].

Reading claims 1-16, 18, and 19 in the broadest reasonable interpretation results in the claims reading on well known spelling, grammar, and style checkers, including the checkers in WordPerfect.

Regarding **independent claim 1**, WordPerfect teaches:

A system that facilitates quality measurements of data and/or documents, comprising:

a quality component that tracks one or more quality metrics associated with one or more items;

a rules engine that automatically applies the quality metrics to the items to facilitate interactive quality assessments of the items; and

a scoring component that automatically ranks the items based at least in part on the interactive quality assessments of the items.

(It is noted that as disclosed, a quality metric can include a spelling error or imprecise wording in a document. See, disclosure, page 7, lines 12-24.

See, WordPerfect, pages 91-102, teaching a spell checker, pages 91-96, and Grammatik, pages 96-99, and see, page 99, teaching statistic including reading ease as a quality component.)

Regarding **dependent claim 2**, WordPerfect teaches:

The system of claim 1, the quality component is at least one of a local tool, an interface, and a service that communicates across at least one of local and remote networks and associated with at least one of a local database and a remote database.

(See, WordPerfect, page 99, teaching the Reading Ease score as part of a local database.)

Regarding **dependent claim 3**, WordPerfect teaches:

The system of claim 1, the rules engine interprets the items in view of the quality metrics by applying the quality metrics to the items in order to at least one of determine perceived deficiencies or benefits with the items, facilitate remediation of the problems with the items, and replicate beneficial or corrective information across a document set.

(See, WordPerfect, page 92, suggesting alternate spellings to misspelled words.)

Regarding **dependent claim 4**, WordPerfect teaches:

The system of claim 1, the quality metrics include combinations of positive or corrective feedback from users of a documentation set is automatically scored or ranked to determine the nature of an issue with the items and to enable automated remedial actions to be taken in order to improve quality of a documentation set.

(See, WordPerfect, pages 92-99, teaching corrective feedback to a misspelled word by adding the word to the dictionary to improve the quality of the documentation set.)

Regarding **dependent claim 5**, WordPerfect teaches:

The system of claim 1, further comprising one or more filters for analyzing quality scores in view of predetermined thresholds that identify items or topics having suitable or undesirable quality standards.

(See, WordPerfect, pages 98-99, teaching the style checker and Reading Ease score for analyzing quality scores in view of predetermined thresholds such as reading score of about 100 being “very easy” reading.)

Regarding **dependent claim 6**, WordPerfect teaches:

The system of claim 5, the predetermined thresholds invoke automated quality procedures.

(See, WordPerfect, pages 98-99, teaching the style checker and Reading Ease score for analyzing quality scores in view of predetermined thresholds such as reading score

of about 100 being “very easy” reading and style checker feedback for automated quality procedures.)

Regarding **dependent claim 7**, WordPerfect teaches:

The system of claim 1, further comprising a component to analyze issues across a documentation set and apply global controls to the documentation set based upon the analysis.

(See, WordPerfect, page 97, figure 7-2, teaching the function of “skip always” which sets and applies global commands to the documentation set based on the spell checker analysis.)

Regarding **dependent claim 8**, WordPerfect teaches:

The system of claim 1, the rules engine includes a plurality of rules for analyzing the quality metrics and respective items.

(See, WordPerfect, pages 91-102, generally, teaching the spell checker, grammar checker, style checker, and Reading Ease score as rules engines.)

Regarding **dependent claim 9**, WordPerfect teaches:

The system of claim 8, the rules that follow an if/then construct or are structured according to a programmatic analysis.

(See, WordPerfect, pages 96-99, teaching the grammar checker and the programmatic analysis of the grammar.)

Regarding **dependent claim 10**, WordPerfect teaches:

The system of claim 8, the rules include at least one model for analyzing and applying quality information.

(See, WordPerfect, pages 91-98, teaching the spell checker with dictionaries as models for analyzing and applying quality information.)

Regarding **dependent claim 11**, WordPerfect teaches:

The system of claim 10, the model includes at least one of artificial intelligence techniques, automated classification methods, inference analysis, probability analysis, statistical processing, neural networks, classifiers that are configured to analyze associated attributes of quality terms, metrics, topics, or vocabulary, Support Vector Machines (SVM), Naive Bayes models, Bayes networks, decision trees, similarity-based models, vector-based models, Hidden Markov Models, and decision-theoretic models.

(See, WordPerfect, pages 98-99, teaching style checker and Reading Ease score as classifiers that are configured to analyze associated attributes of vocabulary.)

Regarding **dependent claim 12**, WordPerfect teaches:

The system of claim 1, further comprising a user interface to analyze and process quality metrics, the interface including at least one of a score

Art Unit: 2176

component, a feedback component, a terms component, a tag component and a category component.

(See, WordPerfect, pages 98-99, teaching a score component of a Reading Ease score.)

Regarding **dependent claim 13**, WordPerfect teaches:

The system of claim 12, the score component displays scores associated with an item and facilitates manually or automatically computing and applying scores to items based upon collected or aggregated information for the item.

(See, WordPerfect, pages 98-99, teaching a score component of a Reading Ease score, which is applied automatically.)

Regarding **dependent claim 14**, WordPerfect teaches:

The system of claim 12, the feedback component enables administrators or other systems to tag an item or category for further quality actions.

(See, WordPerfect, page 100, teaching setting to tag items for quality review in the Edit Rules dialog box.)

Regarding **dependent claim 15**, WordPerfect teaches:

The system of claim 1, the items are associated with at least one of an electronic identifier, an item topic, a topic type, a sequence number for the item

Art Unit: 2176

topic, a rating or score for the item, and a count field relating to the number of users or administrators that have submitted feedback for a particular topic.

(See, WordPerfect, pages 98-99, teaching a score component of a Reading Ease score, which is a rating or score for the item.)

Regarding **dependent claim 16**, WordPerfect teaches:

The system of claim 15, the electronic identifier is a Globally Unique Identifier (GUID).

(It is noted that each document in WordPerfect, upon being save, is assigned a globally unique identifier.)

Regarding **dependent claim 18**, WordPerfect teaches:

A computer readable medium having computer readable instructions stored thereon for implementing the quality component, the rules engine, and the scoring component claim 1.

(Claim 18 incorporates substantially similar subject matter as claimed in claim 1 and is rejected along the same rationale.)

Regarding **independent claim 19**, WordPerfect teaches:

A computer-based information quality control system for technical documentation, comprising:

means for associating a plurality of quality metrics associated with a documentation set;

means for analyzing one or more items within the documentation set in view of the quality metrics;

means for determining common issues associated with the items; and

means for deploying functional information to the documentation set based at least in part on the common issues.

(Claim 19 incorporates substantially similar subject matter as claimed in claim 1 and is rejected along the same rationale.)

13. **Claims 20-28** are rejected under 35 U.S.C. 102(b) as being anticipated by Horvitz, et al. (U.S. Patent 6,021,403, issued February 1, 2000) [hereinafter "Horvitz"].

Regarding **independent claim 20**, Horvitz teaches:

A method to facilitate quality controls for a documentation set, comprising:
defining one or more quality controls for items appearing in a documentation set;
analyzing the items in accordance with the quality controls; and
automatically determining strengths and deficiencies in the documentation set based upon the analysis of the items.

(See, Horvitz, figures 10-22, and col. 17, line 45 through col. 24, line 36, teaching quality controls, analyzing the items in accordance with the quality controls, and

Art Unit: 2176

automatically determining the strengths and deficiencies in the documentation set based upon the analysis of the items.)

Regarding **dependent claim 21**, Horvitz teaches:

The method of claim 20, further comprising measuring the frequency of a particular feature or corrective action and plotting the results of the measurements to determine further actions.

(See, Horvitz, figures 12-18, teaching plotting the frequencies.)

Regarding **dependent claim 22**, Horvitz teaches:

The method of claim 20, further comprising measuring topics within an item to determine if one type of item exhibits a characteristic or type that warrants further consideration.

(See, Horvitz, figures 12-18, teaching measuring by topics.)

Regarding **dependent claim 23**, Horvitz teaches:

The method of claim 24 [read as a typo intended to be "claim 20"], further comprising automatically applying learned or analyzed quality information across the documentation set.

(See, Horvitz, figure 16, step 192, teaching analyzing the quality information.)

Art Unit: 2176

Regarding **dependent claim 24**, Horvitz teaches:

The method of claim 20, further comprising automatically tagging an item via a globally unique identifier.

(See, Horvitz, figures 12-18, teaching the tagging, and use in calculations for frequency of use of various items.)

Regarding **dependent claim 25**, Horvitz teaches:

The method of claim 20, further comprising at least one of automatically scoring an item and automatically filtering an item.

(See, Horvitz, figure 32, teaching automatic scoring and filtering of items to output lists in order of highest probability of relevance.)

Regarding **dependent claim 26**, Horvitz teaches:

The method of claim 25, further comprising initiating automated quality procedures by filtering the item.

(See, Horvitz, figure 32, teaching automatic scoring and filtering of items to output lists in order of highest probability of relevance.)

Regarding **independent claim 27**, Horvitz teaches:

*A signal to facilitate communications between at least two components of an automated quality and tracking system, comprising:
a data packet comprising:*

a tracking packet including a unique identifier related to a technical documentation topic;

an rules packet relating to automated processing of the item; and

a quality packet to determine at least one of further quality actions to be performed on the topic and whether to deploy the quality actions to other topics.

(Claim 27 incorporates substantially similar subject matter as claimed in claim 20 and is rejected along the same rationale.)

Regarding **independent claim 28**, Horvitz teaches:

A computer readable medium having a data structure stored thereon, the data structure comprising:

at least one identifier field associated with a technical item topic appearing in a database collection of topics;

at least one rating field to score the technical item topic; and

at least one deployment field to indicate further actions that are to be applied to the technical item topic and the database collection of topics.

(Claim 28 incorporates substantially similar subject matter as claimed in claim 20 and is rejected along the same rationale.)

14. It is noted that any citations to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to

Art Unit: 2176

be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art.

See, MPEP 2123.

Claims Rejection – 35 U.S.C. 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Levine, et al., "WordPerfect 6.1 for Windows for Dummies," Second Edition, IDG Books Worldwide, Inc., copyright 1994, chapter 7: "Spelling, Grammar, and the Mighty Thesaurus" [hereinafter "WordPerfect"].

Regarding **dependent claim 17**, WordPerfect teaches:

The system of claim 1, further comprising a display to track results of measuring online access to a documentation set over time.

(WordPerfect teaches the limitations of claim 1, but does not expressly teach a display to track results of measuring access to a documentation set over time.

It was well known to one of ordinary skill in the art at the time of the invention to version the saving of documents such that each document with changes received a new, unique identification, commonly designated with dates or numerals.

It would have been obvious to one of ordinary skill in the art at the time of the invention to save WordPerfect documents by separate identifiers for each access to provide a documentation set over time, for the obvious and beneficial purpose of creating a record of prior versions for comparison or editing in later versions.)

16. It is noted that any citations to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. See, MPEP 2123.

Conclusion

Individuals associated with the filing or prosecution of a patent application are reminded of their obligations pursuant to 37 CFR 1.56. See generally, MPEP 2001 and subsections.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael K. Botts whose telephone number is 571-272-5533. The examiner can normally be reached on Monday through Friday 8:00-4:00

Art Unit: 2176

EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MKB/mkb



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